



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

	§	No. 08-18-00116-CR
RUBEN RAY CONTRERAS,	§	
Appellant,	§	Appeal from the
	§	243rd District Court
v.	§	
	§	of El Paso County, Texas
THE STATE OF TEXAS,	§	
	§	(TC# 20180D00522)
Appellee.	§	

MEMORANDUM OPINION

Ruben Contreras appeals from a conviction for theft which was enhanced by two prior theft convictions. A jury found Contreras guilty and assessed his punishment at confinement in the state jail for two years. We affirm.

FRIVOLOUS APPEAL

Appellant's court-appointed counsel has filed a motion to withdraw and a brief in support of the motion in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. See *In re Schulman*, 252 S.W.3d 403, 406 n.9

(Tex.Crim.App. 2008)("In Texas, an *Anders* brief need not specifically advance 'arguable' points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities."); *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978). Counsel has notified the Court in writing that he has delivered a copy of counsel's brief, the motion to withdraw, and a copy of the clerk's and reporter's records to Appellant, and he has advised Appellant of his right to review the record, file a *pro se* brief, and of his right to seek discretionary review with the Court of Criminal Appeals. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex.Crim.App. 2014)(setting forth duties of counsel). In addition, Counsel also stated that he provided Appellant with a motion requesting access to the appellate record in compliance with *Kelly*, however, as noted above Appellant was provided a copy of the appellate record by his attorney. Appellant has not filed a *pro se* brief.

After carefully reviewing the record and counsel's brief, we find nothing that might arguably support the appeal, and accordingly, we conclude that the appeal is wholly frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex.Crim.App. 2005). The judgment of the trial court is affirmed.

October 25, 2019

TOM GRAY

Before Rodriguez, J., Palafox, J., and Gray, C.J.
Gray, C.J. (Sitting by Assignment)

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